

CENTRAL MANAGEMENT SERVICES

LEGAL DEPARTMENT

The Legal Department commences, prosecutes and defends all legal actions and other matters on behalf of the Town in all state and federal courts and administrative agencies. The Department functions as a full-service law office handling nearly all of the Town's litigation in-house. In addition to its litigation function, the Department furnishes legal opinions and advice on a daily basis on matters referred to it by the Board of Selectmen, the Town Manager, the School Department and the various Town Department Heads. Additionally, the Department provides legal advice to all Town officials, boards, committees and employees concerning their legal responsibilities and prerogatives, attends meetings and counsels Town Departments on legal issues related to operational and project-related matters as they arise. The Town Counsel drafts and prepares warrant articles and votes at Town Meeting. The Department investigates all claims, advises and monitors Town regulatory compliance and coordinates all legal affairs of local government.

As a corporation, the Town is constantly involved in contractual and other legal arrangements with public and private agencies in the purchase of properties and materials, the rendering of services and awarding of grants. The Legal Department prepares applications, contracts, leases, deeds and other legal instruments concerning these matters. Additionally, the Department drafts, reviews and approves a wide range of other legal instruments including licenses, releases, easements and a multitude of other documents required for the orderly accomplishment of the Town's increasingly complex daily legal municipal issues.

The Town Counsel as Director of Labor Relations represents the Town Manager as the Town's agent in collective bargaining with six employee unions. These duties include supervision of negotiations, contract administration, and grievance arbitration proceedings. The Department manages and directs the Town of Arlington's Workers' Compensation Self-Insurance program. Through the timely processing of claims and the attentive investigation of accidents, the department aims to protect workers from the economic consequences of injury, promote safe work environments, assist injured employees in both their medical recovery and return to work, and to limit overall the Town's liability consistent with the fair treatment of injured workers. In coordination with participating network pharmacies, the Department manages an in-house prescription program with the goal of maximizing generic substitutions, providing greater control authorization for drugs outside our formulary design, reducing costs to the Town commencing at the point of fill and eliminating "first-fill"

out-of-pocket prescription expense to the injured employee. The Department also prepares and litigates all contested Workers' Compensation cases before the Department of Industrial Accidents as well as reviewing and responding to any pending legislation affecting the Town's Workers' Compensation program.

The Department oversees line of duty injury claims administration for all police and fire personnel. The Department is responsible for providing complete claims management for any injured on-duty uniformed employee of the police and fire divisions consistent with appropriate provisions of law, fairness to effected employees, and prudent financial practices.

The Department appeared regularly in the courts of the Commonwealth for hearings on motions, including many significant dispositive motions and successful hearings and trials. The Department provided representation to the Town in several arbitrations and administrative agencies proceedings with successful conclusions. Additionally, the Department instituted a new program to manage prescription benefits for the Town's injured employees. The program resulted in the maximization of generic substitutions, greater control authorization for drugs outside the Town's formulary design and reduced costs commencing at the point of fill.

Future Activities

The Legal Department expects to take a leading role under the supervision of the Town Manager in an effort to successfully negotiate all Town-side contracts which currently expire on June 30, 2006. A central goal will be to work cooperatively with the Unions to address how healthcare costs, which impact both the Town and its employees to a significant degree, can be controlled.

The Department will also provide substantial assistance to the Redevelopment Board in its continuing efforts to finalize the development of the Symmes site, which will include taking a lead role in successfully defending the Board and the Town in litigation that has arisen from such development.

In conjunction with the Cable Advisory Committee, the Legal Department will provide assistance to the Board of Selectmen in its capacity as the Town's cable licensing authority under Federal and State law in regard to the possible renewal of the present vendor's cable license which expired in October of 2005. Since informal negotiations failed to result in an agreement, the Board, acting upon the advice of Town Counsel and the Committee, has preliminarily denied an extension to the vendor. At the behest of the Board, the Legal Department will be taking a leading role in hearings requested by the vendor in its attempt to avoid a final denial.

The Legal Department, in conjunction with outside counsel, will be pursuing adjudicatory hearings before

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the Federal Environmental Protection Agency and the State Department of Environmental Protection in order to eliminate the Somerville and Cambridge combined sewer outflows into Alewife Brook, which when activated have caused considerable flooding of untreated effluent near many homes in East Arlington.